



House of Representatives

General Assembly

File No. 691

January Session, 2005

Substitute House Bill No. 6871

House of Representatives, May 4, 2005

The Committee on Appropriations reported through REP. MERRILL of the 54th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE QUALITY OF LEGAL REPRESENTATION IN CHILD PROTECTION PROCEEDINGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective January 1, 2006*) (a) There is established a
- 2 Commission on Child Protection that shall consist of seven members
- 3 appointed as follows: (1) The Chief Justice of the Supreme Court shall
- 4 appoint two judges of the Superior Court, or a judge of the Superior
- 5 Court and a retired judge of the Superior Court; (2) the speaker of the
- 6 House of Representatives, the president pro tempore of the Senate, the
- 7 minority leader of the House of Representatives and the minority
- 8 leader of the Senate shall each appoint one member; and (3) the
- 9 Governor shall appoint one member who shall serve as chairperson.
- 10 (b) Each member of the commission shall serve for a term of three
- 11 years and until the appointment and qualification of his or her
- 12 successor. No more than three of the members, other than the
- 13 chairperson, may be members of the same political party. At least two

14 of the nonjudicial members, other than the chairperson, shall not be
15 members of the bar of any state.

16 (c) If any vacancy occurs on the commission, the appointing
17 authority having the power to make the initial appointment under the
18 provisions of this section shall appoint a person for the unexpired term
19 in accordance with the provisions of this section.

20 (d) The members of the commission shall serve without
21 compensation but shall be reimbursed for actual expenses incurred
22 while engaged in the duties of the commission. The members of the
23 commission shall not be employed in any other position under this
24 section or section 2 of this act.

25 (e) The commission may adopt such rules as it deems necessary for
26 the conduct of its internal affairs.

27 (f) The commission shall be responsible for carrying out the
28 purposes of this section and section 2 of this act and shall appoint a
29 Chief Child Protection Attorney who shall serve at the pleasure of the
30 commission and whose compensation shall be fixed by the
31 commission.

32 Sec. 2. (NEW) (*Effective January 1, 2006*) The Chief Child Protection
33 Attorney appointed under section 1 of this act shall:

34 (1) Establish a system for the delivery of legal services to children
35 and indigent parents in proceedings before the superior court for
36 juvenile matters in which a child is alleged to be uncared-for,
37 neglected, dependent, abused or in a family with service needs, or is
38 the subject of a petition for termination of parental rights. To carry out
39 the requirements of this section, the Chief Child Protection Attorney
40 may (A) contract with appropriate not-for-profit legal services agencies
41 for the delivery of such services, and (B) maintain one or more lists of
42 trial lawyers who may be available to represent children and indigent
43 parents in such proceedings in the event that no appropriate not-for-
44 profit legal services agency is available or the contracted not-for-profit

45 legal services agency is unable to accept cases due to conflicts of
46 interest or caseload standards; and

47 (2) Ensure that attorneys providing legal services pursuant to this
48 section are assigned to cases in a manner that will avoid conflicts of
49 interest, as defined by the Rules of Professional Conduct.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2006</i>	New section
Sec. 2	<i>January 1, 2006</i>	New section

JUD *Joint Favorable Subst. C/R*

APP

APP *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
New Agency - Commission on Child Protection	GF - Cost	117,000	118,000
Comptroller Misc. Accounts (Fringe Benefits)	GF - Cost	18,000	43,000
Total State Cost	GF - Cost	135,000	161,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill establishes a Commission on Child Protection responsible for the appointment of a Chief Child Protection Attorney. The bill also provides for the reimbursement of actual expenses incurred by members of the commission while engaging in their duties. The annual cost associated with these changes is approximately \$150,000, including a salary for the new position, fringe benefits and expenses.¹ In addition, a cost of \$3,000, would be incurred for equipment during the first year of the 2005-2007 biennium.

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The estimated fringe benefit reimbursement rate as a percentage of payroll is 53.91%, effective July 1, 2004. However, first year fringe benefit costs for new positions do not include pension costs lowering the rate to 22.65%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System.

OLR Bill Analysis

sHB 6871

AN ACT CONCERNING THE QUALITY OF LEGAL REPRESENTATION IN CHILD PROTECTION PROCEEDINGS**SUMMARY:**

This bill establishes the seven-member Commission on Child Protection, which must appoint a chief child protection attorney. The bill requires that this attorney:

1. establish a system to deliver legal services to children and indigent parents in proceedings before the Superior Court for juvenile matters in which a child is alleged to be uncared-for, neglected, dependent, abused, or in a family with service needs, or is the subject of a petition for termination of parental rights and
2. ensure that attorneys providing such services are assigned to cases in a way that will avoid conflicts of interest, as defined by the Rules of Professional Conduct.

The attorney serves at the commission's pleasure and the commission fixes his compensation.

EFFECTIVE DATE: January 1, 2006

COMMISSION ON CHILD PROTECTION

Under the bill, commission members are appointed as follows:

1. the chief justice of the Supreme Court appoints two Superior Court judges, or a Superior Court judge and a retired Superior Court judge;
2. the House speaker, the Senate president pro tempore, and the House and Senate minority leaders each appoint one member; and

3. the governor appoints one member who serves as chairperson.

Each member serves three years and until the appointment and qualification of his successor. No more than three of the members, other than the chairperson, may be members of the same political party. At least two of the nonjudicial members, other than the chairperson, may not be licensed to practice law in any state.

If any vacancy occurs, the appointing authority appoints a person for the unexpired term. Members serve without compensation but are reimbursed for their actual expenses. The bill prohibits commission members from being employed by the commission, or the agencies that provide legal representation under the bill, and from being on the list of attorneys to provide such services. The bill requires the commission to adopt whatever rules it deems necessary.

CHIEF CHILD PROTECTION ATTORNEY

The bill authorizes the chief child protection attorney to:

1. contract with appropriate non-profit legal services agencies to provide legal services, and
2. maintain one or more lists of trial lawyers who may be available to represent children and indigent parents if no appropriate nonprofit legal services agency is available, or the contracted agency is unable to accept cases due to conflicts of interest or caseload standards.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute Change of Reference

Yea 38 Nay 0

Appropriations Committee

Joint Favorable Substitute

Yea 49 Nay 0